

REMARKS

Claims 1-40 are pending in the present application, with claims 1, 12, 17, 21, 28, and 37 being independent. Claims 12, 17, 18, 21, and 28-37 have been amended. The amendments presented herein are proposed examiner's amendments to the claims presented in the response filed May 17, 2010, and represent amendments to the claims as presented in that response.

It is believed that amendments presented herein and the amendments and arguments presented in the response filed May 17, 2010 overcome the outstanding rejections and therefore the claims as presented herein are in condition for allowance. Applicants respectfully request that the comments presented herein be entered into the record.

Examiner Interview and Claim Amendments

Examiner Tiv is thanked for conducting an interview with applicants' undersigned representative on July 22, 2010. The undersigned representative and the examiner discussed potential claim amendments that would place the application in condition for allowance. The claims as presented herein have been amended to place the claims in condition for allowance.

The undersigned representative and the examiner also discussed the potential rejection of claims 28-36 under 35 U.S.C. §101 because these claims do not include the term "non-transitory." Without prejudice or disclaimer, claims 28-36 are amended to recite the term "non-transitory." This amendment is made solely in an effort to advance prosecution in view of conversations with examiner that indicated that these claims would be rejected under 35 U.S.C. §101 unless they were amended to limit the claimed subject matter to a non-transitory computer-readable medium. The term "non-transitory" comports with a PTO memorandum, dated January 26, 2010, entitled "Subject Matter Eligibility of Computer Readable Media". It is understood that claims 28-36, as amended to include the term "non-transitory," will not be subject to a rejection under 35 U.S.C. §112 because, as stated in the memorandum: "Such an amendment would typically not raise the issue of new matter, even when the specification is silent" The addition of the term "non-transitory" to claims 28-36, is to be construed to mean only that the computer-readable medium is not a transitory signal. No further limitations on the claimed subject matter should be implied by the addition of the term "non-transitory."

The undersigned representative and the examiner also discussed support in the present specification for the means claimed in claims 12-16. Support for such means is found throughout the present specification, including in Figure 2 and at paragraphs [0038]-[0040].

CONCLUSION

In view of the foregoing, it is believed that this application, including claims 1-40, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the examiner is invited to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: July 22, 2010

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